

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
MONDAY, APRIL 19, 2004 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**SPECIAL ORDER OF BUSINESS**

ITEM-S400: City of San Diego Volunteer Month.

**COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1069)

Declaring April 2004 to be “City of San Diego Volunteer Month” to specifically honor City of San Diego volunteers and recognize their accomplishments.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-401: Two actions related to the Agreement with T.B. Penick and Sons, Inc., for Design Build Services for the Martin Luther King Junior Community Park – George L. Stevens Senior Center.

(Southeastern Community Area. District-4.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

Subitem-A: (R-2004-1048)

Authorizing the City Manager to enter into an Agreement with T.B. Penick and Sons, Inc., for Design Build Services for the Martin Luther King Junior Community Park – George L. Stevens Senior Center and providing for necessary funding.

Subitem-B: (R-2004-1049)

Certifying that Mitigated Negative Declaration LDR No. 6380, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the design build services for the Martin Luther King Junior Community Park -George L. Stevens Senior Center;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.76;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S401: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The Martin Luther King Junior Community Park is a thirty-five acre park located in the Southeastern San Diego community area at 6501 Skyline Drive. The existing community park includes amenities such as a recreation building, swimming pool facility, tennis courts, active and passive turf areas and parking. This project proposes the addition of the 11,300 square foot George L. Stevens Senior Center within 1.3 acres of the park. The procurement process for this project is design build. The functionality of the senior center was coordinated extensively with the community during the preparation of the bridging documents. The senior center would be a valuable addition to the community, disseminating information on nutrition and various services, as well as providing recreational, education and intergenerational activities.

In accordance with the process outlined in Article 2, Division 33 of the Municipal Code, T. B. Penick and Sons Inc., was selected as the successful design build team. The proposed agreement with the design build team would provide for the completion of the design and construction of the senior center.

**FISCAL IMPACT:**

This project is currently funded in the amount of \$845,920 from the following sources: Fiscal Year 2002 State General Funds and 2000 Park Bond per Capita funding. Additional funding in the amount of \$4,549,587 is available for this request from the sources detailed in the resolutions. This project will impact Park and Recreation Department's operating and maintenance budget. Funding for operating and maintenance will be requested as a new facility addition to the Fiscal Year 2006 budget.

Herring/Oppenheim/KR

Aud. Cert. 2401001.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S402: Settlement of Property Damage Claim of Mark J. Bergen.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1051)

Authorizing the City Manager to pay the sum of \$95,000 in the settlement of each and every claim against the City of San Diego and its agents and employees, in Superior Court Case No. GIC 806228, Mark Bergen v. City of San Diego, et al., arising from damages to Mr. Bergen's property as a result of a water leak;

Authorizing the City Auditor and Comptroller to issue a check in the sum of \$95,000 made payable to Mark Bergen and attorney Timothy Sullivan in full settlement of the lawsuit and of all claims;

Certifying funds are to be payable from Fund No. 41500.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the Property Damage Claim to Mark J. Bergen against the City of San Diego, its agents and employees, as a result of an incident which occurred on June 1, 1999.

Lexin/Lopez/JC

Aud. Cert. 2401002.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

OTHER LEGISLATIVE ITEM

ITEM-S403: Information Report on the Progress of the Pension Reform Committee. (The presentation will be made by the Committee's Chair, April Boling.)